

REMARKS

Claims 22-38 are pending.

Claims 29-36 are allowed.

Claim 38 was objected to.

Claims 22-28 and 37 are rejected under 35 U.S.C. 102(e).

Claims 22, 29, and 38 are currently amended.

No new matter is added.

Claims 22-38 remain in the case for consideration.

Applicant requests reconsideration and allowance of the claims in light of the above amendments and following remarks.

Specification

The Specification has been amended to correct clerical errors, as described above.

Allowable Subject Matter

Applicant thanks the Examiner for noting the allowability of the following claims.

The most of limitations from base claim 22, except the unnecessary limitations, have been added to dependent claim 38, indicated allowable if rewritten to include all base and intervening claim limitations.

Claims 29-36 are allowed.

Claim Rejections – 35 U.S.C. § 102

Claims 22-28 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,642,105 Kim et al (“Kim”).

Applicant respectfully traverses the rejection.

Claim 22 is amended hereby to clarify the important distinction over the prior art whereby a “bottom corner” of step region F is “laterally spaced apart” from a vertical axis 79 passing through an “upper edge corner” of second active region 63d (Specification, page 10, lines 5-7; Fig. 13). Moreover, unnecessary “no recess region” and “toward the second isolation layer adjacent to the vertical axis” limitations have been omitted from claim 22. Such are not

needed to distinguish over the known prior art (including applicants' admitted prior art and Kim). For example, applicant admitted prior art does not show no higher second isolation layer than voltage gate insulation layer and thus no such step region. Any combination of whose teachings with other prior art teachings are not motivated to suggest the same, as correctly pointed out by the Examiner at pages 4-5 of the Office action.

No new matter is added to amended claim 22, since it is abundantly clear from Fig. 13 as originally filed that step region F has a bottom *corner* near the lower left arc of the circle and that vertical axis 79 passes through the *upper*, rather than the lower, edge corner of second active region 63d. Applicants point out that the drawings form a part of the specification as originally filed and stand as support for what they show one of ordinary skill in the art. Thus, this amendment places claim 22 in an allowable form, for the following reasons.

The amendments to claim 22 readily distinguish over the prior art including Kim, however expansively or liberally the Examiner insists on reading Kim. It is clear to one of ordinary skill in the art that there is no lateral spacing apart of the bottom corner of a step region and the upper corner of a second active region. All pertinent Kim drawings (see, for example, cover page Fig. 32) clearly show that his sloped edge regions along the lower GP1/2 layer are vertically aligned with his sloped isolation edge regions 307 a slight distance therebeneath. There can be no serious alternative reading of Kim other than that the top corner of his inclined edge region 307 is precisely vertically aligned with—rather than laterally spaced apart from—the bottom corner of the inclined edge region of his lower GP1/2 layer. Such a prior art teaching of such a precise vertical alignment (which is clearly admitted and shown by applicants themselves in Figs. 1-7) is clearly distinguished by applicants' amendments herein regarding the laterally spacing apart of bottom corners of step regions F and underlying upper corners of regions 63d shown and described by reference to Fig. 13.

Claims 23-28, and 37, depending upon claim 22, are now in condition for allowance.

Amended claim 38, indicated allowable, now incorporates nearly all the limitations of base claim 22 except the unnecessary limitations mentioned above in respect of amended claim 22. Amended claim 38 also omits the claim 22 limitations discussed above in favor of the distinguishing limitations already indicated by the Examiner to distinguish over the prior art of record involving the greater distance between adjacent step regions F and the width of second active region 63d. Applicants submit that amended claim 38 also is allowable.

Amended claim 29 also omits the unnecessary limitation and, therefore, is allowable. In particular, the Examiner indicated that the prior art references, alone or in combination, do not show a first active region having a protruded edge portion that extends above the top surface as an examiner's statement of reasons for allowance.

For these reasons, Applicants respectfully request entry of all amendments herein and allowance of all claims.

Respectfully submitted,

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